

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN THE MATTER OF:**

**CHAPTER 13 NO:**

TONYA SIMPSON

15-12264

**NOTICE OF MOTION TO DEEM  
SECTION 1322(b)(5) CLAIM CURRENT AND DEFAULTS CURED**

**YOU ARE HEREBY NOTIFIED** that Terre M. Vardaman, Chapter 13 Trustee, has filed the attached *Motion to Deem Section 1322(b)(5) Claim Current and Defaults Cured* in the above styled Chapter 13 proceeding as to the within named mortgage creditor, and that the **LAST DAY TO FILE OBJECTIONS OR RESPONSES IS: OCTOBER 3, 2019.**

Should any party receiving this notice respond or object to said motion, such response or objection is required to be filed with the Clerk of this Court using the CM/ECF system or at the following address:

Clerk of Court  
U.S. Bankruptcy Court  
Northern District of Mississippi  
703 Highway 145 N  
Aberdeen, MS 39730

and served on the undersigned Movant on or before said objection due date. If any objection or response is filed, a hearing will be scheduled by the Court; otherwise, the Court may consider said motion immediately after the objection or response due date.

**CERTIFICATE OF SERVICE**

I, Terre M. Vardaman, do hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the DEBTOR, Attorney for the Debtor, and all affected creditors and their attorney(s), if known.

USDA - RHS  
PO BOX 66879  
ST. LOUIS, MO 63166

U.S. ATTORNEY  
900 JEFFERSON AVE  
OXFORD, MS 38655

DATED: September 10, 2019

\_\_\_\_\_  
/S/ TERRE M. VARDAMAN

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN THE MATTER OF:**  
TONYA SIMPSON

**CHAPTER 13 NO:**  
15-12264

**TRUSTEE'S MOTION TO DEEM SECTION 1322(b)(5) CLAIM CURRENT  
AND DEFAULTS CURED**

COMES NOW, Terre M. Vardaman, Trustee, and files this her Motion to Deem Section 1322(b)(5) Claim Current and Defaults Cured as to the creditor identified herein in the above styled and numbered case, and in support of same, would show unto the Court the following:

1. The Trustee having filed the required **NOTICE OF FINAL CURE PAYMENT**, attached hereto as Exhibit "A", as to **USDA - RHS** on or about **AUGUST 15, 2019**, [DK#45] which contains all pertinent information regarding the name, claim number, identifying account information, amount of pre-petition arrearage cured, and the amount of continuing post-petition mortgage payments paid by the Trustee, in this case, IF ANY, as of the last day **AUGUST, 2019**.
2. The Trustee would show that after timely notice and opportunity to respond to the **NOTICE OF FINAL CURE PAYMENT**, the Trustee files this instant **MOTION TO DEEM SECTION 1322(b)(5) CLAIM CURRENT AND DEFAULTS CURED**, should no adverse response be filed, the Trustee would request an Order of this court deeming said claim current and defaults cured, including, but not limited to, pre-petition arrearage, and all post-petition payments, escrow shortages and deficiencies, advances, charges, expenses, fees, and attorney's fees incurred by Debtor or charged by creditor during the course of the bankruptcy, as of the date stated in the attached **NOTICE OF FINAL CURE PAYMENT**.

WHEREFORE, PREMISES CONSIDERED, the Trustee requests this Court enter its order:

- a. Deeming all defaults cured and Debtor's mortgage loan current as of the date stated in the attached **NOTICE OF FINAL CURE PAYMENT**;
- b. That any fees, charges, or expenses that Creditor may allege owed in connection with any alleged default on the claim or otherwise, which were not approved by this Court through the allowance of the claim of Creditor or otherwise, be deemed cured by completion of the plan and therefore canceled and discharged;
- c. Awarding such other and further relief as is just and proper.

DATED: SEPTEMBER 10, 2019.

RESPECTFULLY SUBMITTED:

/S/ TERRE M. VARDAMAN, CHAPTER 13 TRUSTEE  
PO BOX 1326  
BRANDON MS 39043-1326  
601-825-7663; [vardaman13ecf@gmail.com](mailto:vardaman13ecf@gmail.com)

**CERTIFICATE OF SERVICE**

I, Terre M. Vardaman, do hereby certify that I have this day filed the foregoing with the Clerk of Court using the CM/ECF system, and I further certify that I served a true and correct copy of same, either electronically or via United States Mail, postage prepaid, to the DEBTOR, ATTORNEY FOR DEBTOR, UNITED STATES TRUSTEE and to all affected creditors and parties in interest as stated on the Certificate of Service of the foregoing Notice attached hereto.

DATED: SEPTEMBER 10, 2019.

/S/ TERRE M. VARDAMAN

**FOR THE NORTHERN DISTRICT OF MISSISSIPPI****IN THE MATTER OF:****CHAPTER 13 NO:**

TONYA SIMPSON  
160 CR 553  
RIPLEY, MS 38663

15-12264

**NOTICE OF FINAL CURE PAYMENT**

Pursuant to Federal Rule of Bankruptcy Procedure 3002.1(f), the Trustee, Terre M. Vardaman, files this Notice of Final Cure Payment. The amount required to cure the default on the claim identified below has been paid in full.

**Name of Creditor:** USDA - RHS  
**Court Claim Nos.:** 12

Last four digits of account number (if known):

**Final Cure Amount:**Amount of allowed pre-petition arrearage Paid by Trustee: **\$1.776.43 THROUGH AUGUST, 2019****Continuing Monthly Mortgage Payment:**

As of the date of the final plan payment, the continuing monthly mortgage payment was paid:

☐ Chapter 13 Trustee conduit☒ Direct by Debtor(s)

If Trustee conduit, total amount of continuing payments:

**Additional Payments**

Pursuant to Fed. R. Bankr. P. 3002.1(g), the Creditor MUST, within twenty-one (21) days of the service of the Notice of Final Cure Payment, file and serve on the Debtor(s), Debtor(s)' counsel and the Chapter 13 Trustee, a statement indicating (1) whether it agrees that the Debtor(s) have paid in full the amount required to cure the default on the claim; and (2) whether the Debtor(s) are otherwise current on all payments consistent with 11.U.S.C. Section 1322(b)(5).

The statement shall itemize the required cure or post-petition amounts, if any, that the holder contends remain unpaid as of the date of the statement. The statement shall be filed as a supplement to the Creditor's proof of claim and is not subject to Fed. R. Bankr. P. 3001(f).

Failure to file such statement or provide any information required by Fed. R. Bankr. P. 3002.1(g), may result in the imposition of sanctions and/or other appropriate relief as determined by the Court.

DATED: AUGUST 15, 2019.

RESPECTFULLY SUBMITTED:

/S/ TERRE M. VARDAMAN, CHAPTER 13 TRUSTEE  
PO BOX 1326  
BRANDON MS 39043-1326  
601-825-7663; [vardaman13ecf@gmail.com](mailto:vardaman13ecf@gmail.com)

**CERTIFICATE OF SERVICE**

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USDA - RHS  
PO BOX 66879  
ST. LOUIS, MO 63166

U.S. ATTORNEY  
900 JEFFERSON AVE  
OXFORD, MS 38655

Dated: AUGUST 15, 2019.

/S/ TERRE M. VARDAMAN

Exhibit "A"